

Appl. No.: 10/017,165
Amendment dated September 8, 2009
Reply to Office Action dated June 8, 2009

REMARKS/ARGUMENTS

This Amendment is being filed concurrently with a Request for Continued Examination (RCE). With this Amendment, Applicant herein amends claims 1, 7, 15, 21, 29 and 35. No new matter is added. Therefore, claims 1-5, 7-12, 14-19, 21-26, 28-33, 35-40 and 42 are all the claims currently pending in the application. Based on the foregoing amendments and the following remarks, Applicant respectfully requests reconsideration of the application and allowance of all the claims.

I. Rejection of Claims 1-5, 7-12, 14-19, 21-26, 28-33, 35-40 & 42 Under 35 U.S.C. § 103(a)

Claims 1-5, 7-12, 14-19, 21-26, 28-33, 35-40 and 42 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Teagarden et al. (U.S. Patent No. 6,014,631; hereinafter “Teagarden”) in view of Walker et al. (U.S. Patent No. 6,302,844; hereinafter “Walker”).

In contrast to amended independent claim 1, Teagarden and Walker, taken individually or in combination, do not teach or suggest and are altogether silent regarding a method of providing professional services, comprising *inter alia*, providing a secure area within which the professional services provider *provides information advising* a person about a *medical matter in response to receipt of the entered information* that is associated with the medical matter of the person, which is entered by the person via a client device. The secure area is accessible by the person via the client device.

In rejecting claim 1, the Examiner correctly concedes that Teagarden does not teach or suggest all of the features of claim 1. However, the Examiner relies on Walker to make up for the deficiencies of Teagarden. (See pg. 3 of the Office Action) Applicant respectfully submits that Walker does not make up for what Teagarden lacks. Applicant points out that the Examiner merely relies on Walker for the proposition that Walker discloses “assigning the person/patient to a pool is based upon one or more attributes of a professional services provider qualified to advise people in respective pool[s].” (See pg. 3 of the Office Action)

In contrast to amended claim 1, Teagarden, alone or in combination with Walker, at most discloses a computer that implements an interactive computer assisted process that prescribes “a

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patient one or more medications.” (Col. 7, lines 29-33 of Teagarden) Teagarden touts that the aim of the interactive computer assisted process is to improve patient care while controlling or reducing drug spending. In this regard, Teagarden, alone or in combination with Walker, explains that the interactive computer assisted process utilized, by the computer, pre-selects a first set of patients based on medical claims in a database associated with adults taking maintenance medications which rank in the top 3% of drug spenders over 18 years of age.

Teagarden, alone or in combination, further explains that the interactive computer assisted process filters the first pre-selected set of patients to identify a secondary set of patients having a greater likelihood of benefitting from the interactive computer assisted process. (Col. 7, lines 37-40 & Col. 15, lines 41-45 of Teagarden) Teagarden describes that a final set of patients may be selected from the secondary set of patients by “eliminate[ing] false opportunities.” (Col. 16, lines 20-25 of Teagarden)

Additionally, Teagarden, alone or in combination with Walker, describes that patient enrollment invitation packages may be sent to the final set of patients that are selected providing these patients the opportunity to enroll in the program by calling a toll free number or indicating a time when they should be called by a coordinator. (Col. 16, lines 26-33 of Teagarden) The enrollment process may be performed by an operator using a computer for assistance or by a voice response unit. (See *id.*)

In view of the foregoing, Teagarden, alone or in combination with Walker, at most discloses that information related to patients may be entered in a computer by a system operator or into a voice response unit and based on filtering patient information, patient enrollment invitation packages may be sent to selected patients requesting that the patients enroll in a medical program. (Col. 15, line 38 to Col. 16, line 40 of Teagarden)

However, nowhere in Teagarden, alone or in combination with Walker, is there any mention, teaching or suggestion relating to providing a secure area within which a professional services provider *provides information advising* a person about a *medical matter* associated with the person *in response to receipt* of information that is entered into a client device *by the person*, the received information is associated with *the medical matter of the person*. Rather, Teagarden, alone or in combination with Walker, at most discloses that a system operator enters information associated with selected patients into a computer and the computer sends enrollment packages to

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the patients. However, Teagarden alone or in combination with Walker, does not contemplate and is altogether silent regarding: (1) the selected patients entering information associated with a medical matter of the patients; and (2) providing information advising the patient about the medical matter in response to receipt of the information associated with the medical matter that was entered in a client device by the patient, as would be required by the recitations of claim 1.

Additionally, Applicant notes that claim 1 recites accepting entry of information associated with *a medical matter of a person* wherein the information is *entered by the person* via client device. In contrast to claim 1, the medical information entered by the system operator in Teagarden, alone or in combination with Walker, is not associated with a medical matter of the operator, as would be required by claim 1. Instead, the information entered into the computer by the operator of Teagarden at most relates to information associated with individuals other than the operator such as adult patients. (Col. 16, lines 1-5 of Teagarden) The combination of Teagarden and Walker is deficient for at least this additional reason.

In rejecting claim 1, the Examiner also relies on Lliff (U.S. Patent No. 5,660,176) which is cited in Teagarden for the proposition that it is well known to enter a patient's demographic information via a client device. (See pg. 3 of the Office Action) In contrast to claim 1, Applicant submits that Lliff at most discloses that voice response units may be utilized to respond to caller complaints. However, nowhere in the cited portion discussing Lliff is there any mention, teaching or suggestion relating to accepting entry of information associated with a medical matter of a person in which the information is entered by the person associated with the medical matter and advising the person about the medical matter in response to receiving the information that the person entered in the client device, as recited by claim 1.

Based on at least the foregoing reasons, Applicant submits that the combination of Teagarden and Walker is deficient and does not teach or suggest all of the features of claim 1. Applicant therefore respectfully requests the Examiner to reconsider and withdraw the § 103(a) rejection of claim 1 and its dependent claims 2-5.

Since independent claims 7, 15, 21, 29 and 35 contain features that are analogous to, though not necessarily coextensive with, the features recited in independent claim 1, Applicant submits that independent claims 7, 15 and 21 and their respective dependent claims 8-12, 14, 16-

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19, 22-26 and 28 as well as independent claims 29 and 35 and their respective dependent claims 30-33, 36-40 and 42 are patentable at least for reasons analogous to those submitted for claim 1.

II. Conclusion

In view of the foregoing remarks, Applicant respectfully submits that all of the claims of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. Examiner Porter is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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